

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)

|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| NATIONWIDE MUTUAL INSURANCE CO.    | * |                             |
| Plaintiff                          | * |                             |
| v.                                 | * | Civil Action No.: B-98-3146 |
| RELIANCE INSURANCE COMPANY, et al. | * |                             |
| Defendants                         | * |                             |

\* \* \* \* \*

**JOINT STATUS REPORT**

Nationwide Mutual Insurance Company, United States Fire Insurance Company and The North River Insurance Company, by their respective counsel, hereby tender the following Joint Status Report to the Court in this matter:

**A. STATUS OF DISCOVERY**

All written discovery has been completed, or is in the process of being completed at the present time, with the exception of requests for admissions of fact and genuineness of documents, pursuant to the Court's Order. Answers of Nationwide to the Interrogatories propounded by North River and United States Fire have been prepared, executed and faxed and mailed to counsel for United States Fire and North River, Margaret Catalano.

Requests for admissions of facts and genuineness of documents will be served by the parties on or before February 27, 2004, as ordered by the Court.

Documents have been obtained by the parties through voluntary cooperation with witnesses, and it is not anticipated that any depositions are necessary at the present time.

Otherwise, the parties adopt and incorporate by reference the statements in the preceding Joint Status Reports, most particularly the Joint Status Report of December 4, 2000.

**B. PENDING MOTIONS**

There are no current pending motions. It is anticipated that, following the execution of answers to any requests for admissions of fact, the parties will submit this case on motions for summary judgment.

**C. WHETHER ANY PARTY INTENDS TO FILE A DISPOSITIVE PRE-TRIAL MOTION**

The parties anticipate filing cross-motions for summary judgment.

**D. WHETHER THE CASE IS TO BE TRIED JURY OR NON-JURY AND THE ANTICIPATED LENGTH OF TRIAL**

If tried, the case will be tried non-jury. The parties cannot at this time estimate the length of trial, if one were to be held. However, as indicated above, counsel for the parties believe that this case can and should be decided upon cross motions for summary judgment.

**E. CERTIFICATION AS TO SETTLEMENT NEGOTIATIONS**

Settlement negotiations in the instant case are on-going. Counsel for all parties believe this case is potentially subject to settlement, and will continue active settlement discussions as the analysis of documentary discovery continues.

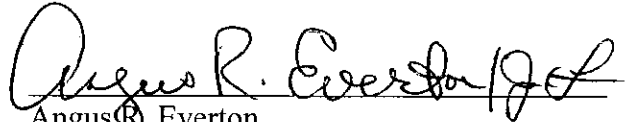
**F. SETTLEMENT OR ADR CONFERENCE**

In the event that the parties' settlement negotiations are not fruitful, all parties believe it would be helpful to refer this case to a United States Magistrate Judge, as discussed in the Joint Status Report of December 4, 2000.

**G.** The parties do not at present wish to submit this matter to a Magistrate Judge for resolution of dispositive pre-trial motions, or for trial, but will revisit this issue.

Nationwide's counsel, Angus R. Everton, Esquire, respectfully submits that the foregoing Joint Status Report has been submitted to Margaret Catalano, Esquire, counsel for United States Fire Insurance Company and The North River Insurance Company, and she has reviewed the Joint Status Report and has granted permission to Mr. Everton to sign this Joint Status Report on her behalf.

Respectfully submitted,



Angus R. Everton

Morgan Shelsby Carlo Downs & Everton P.A.

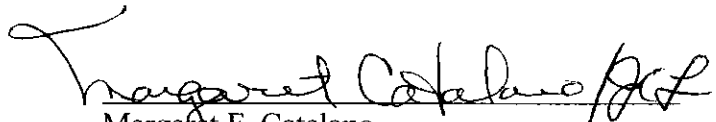
4 North Park Drive

Suite 404

Hunt Valley, Maryland 21030

(410) 584-2800

*Counsel for Nationwide Mutual Ins. Co.*



Margaret F. Catalano

Carroll, McNulty & Kull, LLC

17 Mendham Road

P. O. Box 427

Gladstone, New Jersey 07934

(908) 781-1500

*Counsel for The North River Ins. Co. and  
United States Fire Ins. Co.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of January, 2004, a copy of the foregoing Joint

Status Report was mailed to:

Margaret F. Catalano, Esquire  
Carroll, McNulty & Kull, LLC  
17 Mendham Road  
P. O. Box 427  
Gladstone, New Jersey 07934  
*Attorneys for The North River Ins. Co.  
And United States Fire Ins. Co.*

  
Angus R. Everton